

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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GARY LA BARBERA, LAWRENCE KUDLA,  
THOMAS GESUALDI, PAUL GATTUS,  
THEODORE KING, CHESTER BROMAN,  
FRANK FINKEL and JOSEPH FERRARA,  
as Trustees and Fiduciaries of the  
Local 282 Welfare, Pension, Annuity, and  
Job Training Trust Funds

Plaintiffs,

- against -

ADCO SERVICE CORP., BETOSIA  
MANUFACTURING CO., IMI CONSTRUCTION  
CORP., MORRISON'S TRUCKING, INC.,

Defendants.  
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A P P E A R A N C E S:

FRIEDMAN & WOLF  
1500 Broadway, Suite 2300  
New York, NY 10036  
By: Nathan V. Bishop  
Attorney for Plaintiffs

JOHNSON, Senior District Judge:

By order dated March 29, 2005, this Court awarded Plaintiffs \$0.00 in unpaid contributions from Adco, \$228.72 in unpaid contributions from Betosia, \$73,282.95 in unpaid contributions from IMI, and \$157,490.90 in unpaid contributions from Morrison's. In addition, each Defendant was ordered to pay \$932.81 in attorneys' fees and \$34.21 for costs.

Plaintiffs were directed to submit revised interest calculations based on a six

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02 CV 5289 (SJ)

ORDER

percent interest rate and a calculation of applicable liquidated damages. Plaintiffs filed the requisite submissions on April 8, 1995. Accordingly, this Court now finds that Defendant Betosia owes \$98.73 in interest and \$98.73 in additional interest; Defendant IMI owes \$25,247.69 in interest and \$25,247.69 in additional interest; Defendant Morrison's owes \$30,760.04 in interest and \$31,498.19 in liquidated damages.<sup>1</sup>

The Clerk of Court is directed to enter a final judgment awarding Plaintiffs \$0.00 in unpaid contributions, \$932.81 in attorneys' fees and \$34.21 for costs (totaling \$967.02) from Adco; \$228.72 in unpaid contributions, \$98.73 in interest, \$98.73 in additional interest, \$932.81 in attorneys' fees and \$34.21 for costs (totaling \$1,393.20) from Betosia; \$73,282.95 in unpaid contributions, \$25,247.69 in interest, \$25,247.69 in additional interest, \$932.81 in attorneys' fees and \$34.21 for costs (totaling \$124,745.35) from IMI; and \$157,490.90 in unpaid contributions, \$30,760.04 in interest, \$31,498.19 in liquidated damages, \$932.81 in attorneys' fees and \$34.21 for costs (totaling \$220,716.15) from Morrison's.

SO ORDERED.

Dated: April 14, 2005  
Brooklyn, NY

s/SJ

Senior U.S.D.J.

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<sup>1</sup> The Trust Agreements giving rise to Plaintiffs' action provide that the Plaintiffs are entitled to liquidated damages on unpaid contributions in an amount equal to the greater of: (1) the amount of interest charged on the unpaid contributions or (2) 20% of the unpaid contributions. (See Cody Decl. Ex. A; see id. at Ex. B.) Because the amount of interest owed by Defendants Betosia and IMI is greater than 20% of the unpaid contributions owed, these defendants each owe additional interest equal to the amount of interest owed to on their unpaid contributions. (Bishop Decl. Ex. A.) As to Defendant Morrison's, the amount of interest owed by it is lesser than 20% of the unpaid contributions owed and therefore, Morrison owes liquidated damages equal to 20% of its unpaid contributions.